IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR.

O R D E R

S.B. Criminal Misc. Petition No.1588/2005

Ram Lal vs. State of Rajasthan

Date of Order ::::: February 18,2009

Present

HON'BLE MR.JUSTICE BHANWAROO KHAN

Mr. D.S.Shekhawat for the petitioner
Mr. Javed Chaudhary, P.P.

A complaint was filed by the petitioner Ram Lal in the court of Additional Chief Judicial Magistrate, Srimadhopur against Gheesaram, Smt. Chuki, Mansingh, Surjaram and Khemaram for commission of offence under Sections 420, 467, 468, 471 and 379 IPC with the averments that the accused persons taking benefit of mental disease of his father Surja Ram got a gift deed executed in respect of the land of Khasra Nos.162 and 167 and also withdrew cash amount of Rs.1,50,000/- from the bank account of Surja Ram by committing theft of pass-book. This complaint was sent to police station Shrimadhopur for investigation under Section 156(3) Cr.P.C. The police after

investigation submitted a negative final report in the matter. The petitioner filed a protest petition and examined his witnesses. The Addl. Chief Judicial Magistrate after recording statements of the petitioner and his witnesses came to this conclusion that it was a case of civil nature and prima facie no case for the alleged offence is made out. Therefore, Addl. Chief Judicial Magistrate vide order dated 21.9.2002 dismissed the complaint. Against this order the petitioner filed a revision before the Addl. Sessions Judge, Neemka thana which was also dismissed vide judgment dated 8.6.2005. Hence, this petition under Section 482 Cr.P.C.

Heard learned counsel for the parties.

Perusal of the statements of the complainant, his witnesses and the impugned orders clearly reveals that a false case has been lodged by the petitioner taking it to be granted that his father was mentally ill and the accused persons got the gift deed executed in their favour. No complaint was ever lodged by Surja Ram in this respect. The trial court found that there were civil transactions between the parties. Having regard to the facts and circumstances of the case it is found that the courts below have rightly arrived at the conclusion that the matter

involved a civil dispute. The impugned orders do not bear any illegality or error of law so as the require interference by this Court in the exercise of inherent jurisdiction under Section 482 Cr.P.C. The petition lacks merit, deserves to be dismissed.

Consequently, the misc. petition stands dismissed.

Office is directed to return the record of the case to the concerned court.

(Bhanwaroo Khan),J.

bairwa